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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,192	06/27/2006	Filip Zalio	8040-1073	3948
466	7590	03/17/2009	EXAMINER	
YOUNG & THOMPSON			HERRERA, DIEGO D	
209 Madison Street				
Suite 500			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			2617	
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			03/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/561,192	ZALIO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DIEGO HERRERA	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 December 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-4 is/are allowed.  
 6) Claim(s) 5 and 6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 11 December 2008 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 12/16/2005 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Amendment***

#### ***Drawings***

Replacements sheets have been provided to correct misspelled words.

#### ***Specification***

Abstract has been amended to correct misspelled words.

#### ***Claim objections***

Claims 1 and 3 have been amended to correct misspelled words.

Claims 1-4 have been amended to include “when” statements, correcting ambiguous “if” statements.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 5-6 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bada et al. (US 20050075125 A1), and in view of Van Der Wijst (US 6731349 B1).

**Regarding claim 5.** Bada et al. discloses a method of cell search in a wireless communication system having a plurality of base stations and a mobile station (abstract, fig. 1, ¶: 1, 3, Bada et al. teaches a wireless communication system), each of the plurality of the base stations serving a separate cell within a service area (abstract, ¶: 3, 36, fig. 1, Bada et al. teaches base station in designated service areas and into cells), the method comprising the steps of: executing the cell search at a first frequency

interval by scanning a band (abstract, ¶: 2, 24, 35, 56, Bada et al. teaches cell search first frequency interval being that of 1.6 MHz); and

However, Bada et al. doesn't discloses executing the cell search at a second frequency interval after executing the cell search at the first frequency interval, wherein the second frequency interval is wider than the first frequency interval, nevertheless, Van Der Wijst teaches switching from one frequency band to another a second frequency band that is wider than the first (col. 4 lines: 15-40, col. 5 lines: 30-40, Van Der Wijst teaches testing tuning in different frequencies at least two wherein a switching is done after the first frequency and then the second frequency is done, the second frequency band being bigger than the first). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include switching from one frequency band to another a second frequency band that is wider than the first, as taught by Van Der Wijst, for the purposes of integrating well known protocols and methods to that of Bada et al. in order to increase different bands to search other than smaller ones.

**Regarding claim 6.** Bada et al. mobile station for use in a wireless communication system having a plurality of base stations each of which serving a separate cell within a service area, characterized in that the mobile station executes cell search (abstract, title, fig. 1, ¶: 1,3, 35, 56, Bada et al. teaches a plurality of base stations and mobile stations in cell search architecture communication system) in a first phase by scanning a band a first frequency interval (abstract, ¶: 35, 56, 64, Bada et al. teaches search by scanning first frequency) and

However, Bada et al. doesn't discloses in a second phase by scanning the band at a second frequency interval wider than the first frequency interval after scanning the band at a first frequency interval, nevertheless, Van Der Wijst teaches switching from one frequency band to another a second frequency band that is wider than the first (col. 4 lines: 15-40, col. 5 lines: 30-40, Van Der Wijst teaches testing tuning in different frequencies at least two wherein a switching is done after the first frequency and then the second frequency is done, the second frequency band being bigger than the first). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to specifically include switching from one frequency band to another a second frequency band that is wider than the first, as taught by Van Der Wijst, for the purposes of integrating well known protocols and methods to that of Bada et al. in order to increase different bands to search other than smaller ones.

***Allowable Subject Matter***

Claims 1-4 are allowed. Claims 1 and 3 are allowed, claims 2, and 4 are dependent claims further supporting independent claims 1 and 3, and therefore, they are allowable. The reasons for allowance for claims 1 and 3, is because of the step limitations claimed in the claims 1 and 3 described in detail the method for slot synchronization, frame synchronization, and scrambling code detection steps for a radio channel in a wireless communication systems and among other things claimed in the claims 1 and 3.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEGO HERRERA whose telephone number is (571)272-0907. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Diego Herrera/  
Examiner, Art Unit 2617

/Lester Kincaid/  
Supervisory Patent Examiner, Art Unit 2617